

ANDREW DEYOUNG,)
Plaintiff,)
v.) Civil Action No. _____
BRIAN OWENS, Commissioner,)
Georgia Department of Corrections)
CARL HUMPHREY, Warden,)
Georgia Diagnostic Prison)
OTHER UNKNOWN EMPLOYEES)
AND AGENTS,)
Georgia Department of Corrections,)
Defendants.)

/

**EXECUTION SCHEDULED
JULY 20, 2011, 7:00 P.M.**

**SUPPLEMENTAL AUTHORITY
IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER**

On July 19, 2011, the Superior Court of Butts County, Judge Bensonetta Tipton Lane sitting by designation, entered an order for the videotaping of Plaintiff's execution and its observation by a forensic expert. *See Order Compelling Respondent to Allow Preservation of evidence of Execution by Lethal Injection*, attached hereto. The Court explained the reason for the Order:

The Court is not making a finding that any executions have been "botched" but is finding that **there are many facts relevant to the constitutionality of the State's execution process that it has refrained from disclosing to those who seek to challenge it**. The

merits of the petitioner's method of execution are not before the Court at this time. The question currently before the Court is the petitioner's request to gather further evidence relevant to his claim.

* * *

It appears to the Court that the type of evidence the petitioner seeks to preserve is of a type that is likely to be relevant to a determination regarding whether the method of execution proposed by the respondent violates federal and state constitutional restrictions against inflicting cruel and unusual punishment.

Walker v. Humphrey, Butts County No. 2008-V-1088 at 4, 5 (emphasis added).

The *Walker* Court's order is further evidence in support of the fact that Petitioner has made the necessary showing for a temporary restraining order, discovery, and a full evidentiary hearing.

This 20th day of July, 2011.

Respectfully submitted,

s:/ Jeffrey L. Ertel

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COUNSEL FOR MR. DEYOUNG

CERTIFICATE OF SERVICE

I hereby certify that this pleading has been filed electronically with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

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Dated: This 20th day of July, 2011.

s:/ Jeffrey L. Ertel